

REMARKS

Claims 3-8, 17 and 57-66 are pending. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry.

35 U.S.C. 112 – Definiteness

Claims 5-8 and 65-66 were rejected under Section 112, second paragraph, as allegedly “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Applicants traverse.

The term “derivative” is deleted from claims 5 and 65 because this limitation is not required for patentability. The term “variant” is added for antecedent basis.

Applicants request withdrawal of the Section 112, second paragraph, rejection because the pending claims are clear and definite.

35 U.S.C. 112 – Written Description

The specification must convey with reasonable clarity to persons skilled in the art that applicant was in possession of the claimed invention as of the filing date sought. See *Vas-Cath v. Mahurkar*, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). But the Patent Office has the initial burden of presenting evidence or a reason why persons of ordinary skill in the art would not have recognized such a description of the claimed invention in the original disclosure. See *In re Gosteli*, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989).

Claims 5-8 and 65-66 were rejected under Section 112, first paragraph, as allegedly “failing to comply with the written description requirement.” It was further alleged, “The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Applicants traverse because the specification teaches a representative number of species within the claimed genus.

The term “derivative” is deleted from claims 5 and 65 because this limitation is not required for patentability. The term “variant” is added for antecedent basis.

Withdrawal of the written description rejection is requested because the specification conveys to a person skilled in the art that Applicants were in possession of the claimed invention as of the filing date.

Specification/Claim Objections

Claim 3 was objected to as allegedly informal. Applicants traverse.

The meaning of the abbreviations recited for each gene are well known to those skilled in the art. Inserting their meanings from a source such as the Online Mendelian Inheritance in Man (OMIM) does not add new matter to the originally-filed disclosure because the scope of the claims is not changed by defining the abbreviations.

Withdrawal of the objection is requested.

Conclusion

Having fully responded to the pending Office Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if additional information is required

Respectfully submitted,

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